

## MINUTES

### P & Z COMMISSION HEARING

March 19, 2009

#### ATTENDANCE P & Z Commissioners

##### ATTENDED

1. Wendell DeCross, Chairman
2. Ruth Ann Smith
3. Bill Rawlings
4. Robert K. Black, Jr.
5. Evelyn Meadows
6. Joel Lawson

Greg Loper  
David Swietanski  
Peggy Saunders

##### Staff Attendance

##### ABSENT

Carol Davis  
Jason Hatch  
Tom Thomas  
Bob Hall  
Rick Slone

Lance Payette  
Alberto Peshlakai

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:00 p.m.

Chairman Wendell DeCross called the meeting of the Navajo County Planning & Zoning Commission to order, led the Pledge of Allegiance, and explained the meeting procedures to the public, as well as some of the housekeeping rules. Mr. DeCross asked that anyone wishing to address the Planning and Zoning Commission state their full name prior to speaking.

**Item # 1- SPECIAL USE PERMIT:** Discussion and possible Commission action on a request by Heber-Overgaard Unified School District #6 for a Special Use Permit for a wireless cellular tower not to exceed 195 feet in height, on the subject 26.7 acre property known as APN: 206-25-047, located at 2181 W. Country Club Drive, in Township 12 North, Range 17 East, Section 32, of the Gila and Salt River Meridian, in the Heber-Overgaard area. **Linda Elliott** gave a staff report on the project and presented maps showing the general area and site plan with the proposed tower location at the Mountain Meadows Primary School on Mogollon Drive. The surrounding area has a mixture of commercial and residential uses. These include the Navajo County Mogollon Complex, the Overgaard Transfer Station, as well as the Navajo County Road Yard. There is a 300 foot strip of commercial property along Mogollon Drive and a Mini Storage Facility located to the south of the subject property. The item was properly noticed in compliance with Arizona Revised Statutes, Article 29. The stated reason for the request is to allow the placement of a 195-foot wireless communication tower in a 45' x 50' leased area. The tower and the ground equipment would be enclosed within a 6' chain link fence on the subject property. Verizon Wireless is requesting approval to construct a new 195' lattice tower next to Navajo County's Mogollon Complex, and approximately 500' away from the Mountain Meadows Primary School. This would be away from everyday school use and direct interaction by the children. Additionally, the tower would be located about 1700' from the nearest point on Route 260. The tower's height will allow usable co-location space for other carriers and any police, fire, or county needs. The proposed site will increase coverage along the Route 260 corridor and connect with the proposed site at Clay Springs. The Applicant has submitted the plans and supporting statement as required, and they are complete and adequate for the Commissioner's purposes. The County Attorney had no legal concerns with the application. Engineering Staff had no objections nor were there any issues from the Drainage staff. Flood Control has reviewed the project, and it is outside the Flood Plain boundary, so they have no objections. **PUBLIC WORKS DEPARTMENT RECOMMENDATIONS:** Should the Commission grant this Special Use Permit, the Public Works Department recommends following conditions be applied. *1. the Special Use Permit shall permit a wireless communication tower, 195 feet in height, on the subject property. 2. The permitted Special Use shall be allowed to occur only in the location shown on the approved site plan. 3. The permitted Special Use shall run with the land. 4. The applicant shall obtain a building permit for such tower and ground equipment storage and each of the carriers' ground equipment storage buildings shall require a building permit. 5. The applicant must meet all State and Federal*

*requirements concerning communication towers prior to any building permits being issued. 6. The tower shall include the installation of lighting that conforms to FAA regulations. 7. If the tower is no longer being utilized, the owner shall cause at his expense the removal of all components of this tower within a 90-day period. 8. The leased area shall be enclosed with a 6-foot high fence topped with three strands of barbed wire. 9. The Owner shall provide all reasonable cooperation to other public and private users who may be interested in co-location on this tower and shall allow such co-location upon commercially reasonable terms unless such co-location is not technically feasible.* The Verizon and SBA tower sites were pointed out on a map displayed by Ms. Elliott to show the distances between the two sites. Verizon held a public meeting at the Mountain Meadows Primary School Library on November 25<sup>th</sup>, 2008. They sent out letters to surrounding property owners and handouts to the school principal to be sent home to parents of students enrolled in the school. Mr. Taskes received a phone call from Paul Phillips, who had general questions, but supported the project. Ms. Elliott received an email from a parent of a student at the school concerning the safety issues, but was satisfied with the information provided that the project would be safe. Those who attended the meeting in support of the project included Monty Williams, Principal of Mountain Meadows Primary School, and Paul Rehman, Deputy Chief of the Heber-Overgaard Fire Department. No parents or neighbors attended, so the meeting was adjourned at 7:30 p.m. The Verizon tower is in compliance with FCC regulations and guidelines, one letter submitted for review included a statement from CellXion Company outlining the safety of the Tower which is designed to collapse down upon itself and would not fall over in high winds. Mogollon Air Park homeowners were concerned that the tower should be lighted. Verizon contacted the President of the Home Owners Association to let them know Verizon was willing to add the lighting for the benefit of the medical helicopters that come in and out of the airport. A letter from the Navajo County Sheriff's Office supported the tower and the possibility of co-locating County Equipment to enhance their radio service, as well as the cell phone benefits. County Attorney and Planning Staff had a meeting with SBA and Verizon, and tried to encourage them to co-locate on one site, but they both wanted to continue with the Special Use Permit process. Both applications have merit because of the Telecommunications Act of 1996. Staff clarified that the Mountain Meadows parcel is not in the flood zone and Flood Control has no issues with the project as long as the conditions specified are met.

**Developer:** Carl Taskes stressed the need for a tower in Heber. Cell phone service has gotten to point that customers are starting to experience dropped calls, so they need a site to offload that capacity. There are dropped calls on SR260 from Overgaard to Show Low; so the closeness of this tower site would provide new coverage as well as indoor service so customers would be able to use their cell phones in their homes and businesses. They have reviewed the area and there were no existing structures that were suitable. They tried to work something out in other areas and on an existing tower but could not get the coverage they needed. They also looked at the Mogollon complex but there is a long bid process in order to comply with ARS requirements, so they decided the process was too long and unpredictable. Mr. Taskes displayed an overview of the area and the approximate locations were shown on the map. They looked at the SBA location, and found it was in a flood zone. Verizon wants to put in their own tower because they weren't confident they could get their needs met with a co-location. The RAD center at 195 feet would provide better coverage and would provide a positive revenue stream the school can use in its budget. The location provides more space and the tower is not crammed into a smaller parcel. The tower location is approximately 1,700 feet from SR260, which minimizes the visual impact, and provides for the best hand off between the Heber site and the Clay Springs site, which means less dropped calls. It is near the Mogollon Complex and is already in an industrialized area, and far enough away that it won't affect anyone. Verizon is proposing a 12 panel antennae and 4 microwave antennae with usable space for three additional carriers. They are communicating with the Sheriff's Office to add services to the tower. They limited the amount of space for their compound, with the intention that any other carriers would lease additional space from the school which would provide further income down the road. The area will be fenced with chain link fence for safety, but they are far enough away that should any calamity happen, it wouldn't affect anyone. Mr. Taskes displayed a diagram of usable tower space in comparison to an 80 foot tree. The trees would make a shorter tower useless.

**Comments in Favor:** John Weigen is a resident of the Mogollon Air Park and a member of the Board of Directors. Their Board met concerning this item, and they are unanimously in favor of the project. The lighting was their only concern, because of the emergency helicopters that travel in the area. The Home Owners Association was contacted by Verizon and told that lighting would not be a problem and will be included in the final design. They also spoke with them concerning the Rim Country Amateur Radio Club and they look forward to getting their repeater back up, with the extra coverage they should be able to communicate in the area with Forest Lakes and over to the Snowflake Taylor area. This will be good for the community, and as a Verizon customer it would be nice to have coverage in the area.

**Ken Van Winkle**, Superintendant of the Heber-Overgaard School District, spoke in favor of the project. The school will benefit not only by the financial assistance they will receive, but it will allow them to apply for an E-Rate to help pay for utilities. Because of the location of Mountain Meadows and its distance from the High School, the current internet service

is inadequate, so this will benefit the students as well. Due to the budget crunch they have had to cut back on staff, but this will give them the opportunity to have extra money to help pay for the increased band width. They are excited for the opportunity to improve the school's internet service and increase the budget with the positive revenue stream for the District.

**Paul Rehman**, Deputy Chief of the Heber-Overgaard Fire Department said there was immense support from the community for this project because of concerns for emergency services communications. When they transport patients they lose communication with the base hospital, with the increase in coverage it allows them to provide better patient care. This is crucial issue for the EMT Services and the Fire Department personnel.

**Comments Against:** no one from the public came forward in opposition of the Special Use Permit.

**Comments by Commissioners:** **Wendell DeCross** asked if someone else goes on the tower would they have to lease space from the school. **Mr. Taskes** replied that they would lease space on the tower from Verizon, and lease space from Mountain Meadows School for their equipment space on the ground. **Evelyn Meadows** asked how far away the other tower was from the Verizon site. **Mr. Taskes** said the tower in Heber (approximately one mile away) has other carriers, such as Cell One, Sprint, and Verizon and is near the High School. The height of the tower, is about 225 feet high, and is a little taller than Verizon's proposed tower, but it is the same style with self supports.

**Ruth Ann Smith** made a motion to recommend the Special Use Permit be granted for the Cell Tower at the Heber-Overgaard Unified School District property, with the stipulations outlined numbered 1 through 9 which are being attached to the Special Use Permit. **Evelyn Meadows** seconded the motion. The Motion carried unanimously. **Wendell DeCross** reminded the public that this will go before the Board of Supervisors, at that time **Greg Loper** stated that due to an advertising problem last month, this item is set up to go before the Board of Supervisors on the Tuesday the 24<sup>th</sup> of March, 2009.

**Item # 2 – SPECIAL USE PERMIT:** Discussion and possible Commission action on a request by Daniel & Lorraine Morris for a Special Use Permit for a wireless cellular tower not to exceed 100 feet in height, on the subject 2.19 acre property known as APN: 206-27-014A, located at 2232 Hwy 260, in Township 12 North, Range 17 East, Section 33, of the Gila and Salt River Meridian, in the Heber-Overgaard area. **Linda Elliott** presented the staff report and pointed out the commercial properties in the area on the vicinity map displayed. The original site was in the floodplain and was moved to the current site as shown on the map. The reason for the request is to allow the placement of a 100-foot multiple carrier wireless communication tower in a 60' x 60' leased area. The tower and the ground equipment will be enclosed within a 6' chain link fence on the subject property. SBA is requesting approval to construct a new 100' multiple carrier monopole and related 6' chain link ground equipment enclosure. The ground enclosure will be 60' x 60'. The ground area will have space for at least four carriers and also parking for technicians inside. The subject property has many pine trees on it, some extending as high as 80' and will allow for some shrouding of the facility. Staff has concerns that it is located within the view shed corridor along SR260. This item was properly noticed in the Holbrook Tribune and placards were placed as required by Arizona statutes. The County Attorney has no objections to the project. The applicant received a Flood Plain Use Permit because it is in the flood plain Zone AE according to DFIRM Panel 4168E Dated 9-26-08.

**PUBLIC WORKS DEPARTMENT RECOMMENDATIONS:** Should the Commission grant this Special Use Permit request, Public Works Department recommends the following conditions: *1. The Special Use Permit shall permit a wireless communication tower, 100 feet in height, on the subject property. 2. The permitted Special Use shall be allowed to occur only in the location shown on the approved site plan. 3. The permitted Special Use shall run with the land. 4. The applicant shall obtain a building permit for such tower and ground equipment storage and each of the carriers' ground equipment storage buildings shall require a building permit. 5. The applicant must meet all State and Federal requirements concerning communication towers prior to any building permits being issued. 6. The tower shall include the installation of lighting that conforms to FAA regulations. 7. The leased area shall be enclosed with a 6-foot high fence topped with three strands of barbed wire. 8. A Floodplain Use Permit shall be obtained prior to any construction associated with this project. 9. If the tower is no longer being utilized, the owner shall cause at his expense the removal of all components of this tower within a 90-day period. 10. The Owner shall provide all reasonable cooperation to other public and private users who may be interested in co-location on this tower and shall allow such co-location upon commercially reasonable terms unless such co-location is not technically feasible.*

**Developer:** **Danielle Waechter** spoke on behalf of SBA, but is actually employed by Reliant Land Services. The presentation given by Mr. Taskes covered all the same needs and services that SBA wants to provide. SBA is in the business of providing vertical real estate for carriers, and there is a need to provide coverage along SR260. Currently Cell One is still interested in locating on the SBA facility, as well as Sprint/Nextel. The monopole will be located behind the building which is away from the highway. It is 100' high and able to support up to four carriers. There are trees in the

area, but she didn't believe they were 80' high because there was a fire on the property and a lot of the trees are gone. There are some tall trees, but they believe they can still provide space for three to four carriers without any trouble. The property is owned by Dan and Lorraine Morris, but the original site was in a floodway, so they moved to the current site and fully executed a lease agreement with them. SBA researched the Mogollon facility and the church, and contacted another property in area, with no interest, so they decided to stick with the current proposal. Before and after pictures of the site, Sprint Coverage maps, and a Cell One interest letter were provided to the Commissioners for review.

**Comments in Favor:** **John Weigen**, spoke on behalf of the Mogollon Air Park Home Owners Association, and said this tower location would be more in their traffic area but the height was not a factor for them in any kind of aviation issue.

**Comments Against:** **No one came forward in opposition of this item**

**Comments by Commissioners:** **Ruth Ann Smith** asked staff for clarification on the distance between the two structures **Greg Loper** confirmed the distance is about  $\frac{3}{4}$  of a mile. **Greg Loper** clarified that the parcel is in a flood plain, and a Floodplain Use Permit is required, which is not uncommon throughout the county for structures. **Ruth Ann Smith** commented that she was surprised, and pleased for their sake, that SBA didn't get more input from surrounding property owners, you can see on the map that this tower impacts a lot more residential properties in a much closer range than the one by the school. The parcel does not seem to her to be as suitable a location to where it's providing enough benefits to out weigh what would seem to be the negative aspects. As a Commissioner she would like to see smaller tower applicants to be able to co-locate on the Verizon tower, to minimize the impact in the area and would probably be higher up on the tower for better coverage than the smaller tower would provide. **Linda Elliott** said she did have one opposition letter from Gary Navis which stated that construction of the tower structure would greatly detract from value of the lots he owns directly across from the tower site, but that was the only opposition letter received. **Wendell DeCross** asked the developer if they have any tenants currently signed up to go on the tower, and **Ms. Waechter** replied, all they have is verbal interest at this time. They do have a letter of interest from Cell One, and the recently received verbal interest from Sprint.

**Evelyn Meadows** made a motion to recommend approval for the Special Use Permit for a Wireless Cellular Tower, with all the noted stipulations by staff. **Joel Lawson** seconded the motion. The motion carried with a majority of the votes. **Ruth Ann Smith** voted in opposition of this item. **Mr. DeCross** noted that this item would also go before the Board of Supervisors on Tuesday March 24, 2009.

**#3. Possible approval of the February 19, 2009 Minutes.** Minutes from February 19<sup>th</sup> Commission meeting are not ready for commission action, and will be included in the next Planning and Zoning Commission Agenda. A Motion to postpone this agenda item was made by **Joel Lawson**, and was seconded by **Evelyn Meadows**. The motion carried unanimously.

**#4. Department Report to Commission:** **Greg Loper** addressed the Commission and said Staff is in the process of tweaking the agenda and how they do things in Planning and Zoning over the next few months with your input and feedback. One of the things that you see, included on this agenda is a report by Staff to the Commission, on items of interest to the Commission. There will be topics such as Board items, for feedback on whether or not the Board upheld your decision, and any controversial or interesting cases, and future agendas. Mr. Loper also said there were no items ready for the April Agenda, so there would not be a Planning & Zoning Commission meeting in April. The agenda for May could be a fairly large one with potentially three RV Parks planned near Joseph City, Snowflake-Concho area, and the Heber-Overgaard area. There are some text amendments they plan to bring forward, one of which is for Code Enforcement and the Hearing Officer process. Another is a new approach to kennels, and third, cell towers so they can work toward better administrative remedies and processes which would keep them all from having to come before the Commission and the Board. They are trying to make it more uniform with what is going on around the State. The next packet could include a request from the City of Winslow to address concerns regarding the Special Use Permit for a propane storage facility granted to Sem Stream at the old saw mill location on Highway 87 immediately south of Winslow.

**#5. Commissioners' comments and directions to staff.** Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct Planning & Zoning staff to study or provide additional information on topics of the Commissions' choosing.

**Joel Lawson** asked about the outcome of the proposed slaughterhouse outside Snowflake, or if the Zone Change was denied; **Greg Loper** said it is not presently slated to go before the Board of Supervisors. Staff is working with the applicant, and adjacent property owners, and haven't yet come up with a solution. They are voluntarily holding off to see

if they can work things out. **Wendell DeCross** asked about the church camp near Heber-Overgaard. **Mr. Loper** said staff has had several constructive meetings with the Applicant and the Forest Service and there should be some movement on that in next month or so, but there has not been any substantive change to the Special Use Permit. **Joel Lawson** asked for an update on the new Forest Service Travel Management Rule, (the Forest Service is in the process of closing roads in the Forest.) The Commissioners asked Staff for an update for the next meeting. It was noted that the Board of Supervisors is against the new rule, and they have passed a Resolution stating they are opposed to closing the roads.

The Commission reserves the right to change the order of any Agenda item.

The Commission reserves the right to adjourn into executive session when needed pursuant to ARS §38-431.03(A) (3) for legal consultation on the above-described agenda items.

With there being no further business to come before the Planning and Zoning Commission,. a motion was made to adjourn the meeting by. **Evelyn Meadows**. **Joel Lawson** seconded the motion. Motion carried, and the meeting was adjourned at 6:58 p.m.

Approved this 18<sup>th</sup> day of June, 2009

*Wendell DeCross*

Wendell DeCross  
Chairman, Navajo County  
Planning & Zoning Commission

ATTEST:

*Alberto L. Peshlakai*

Alberto L. Peshlakai  
Secretary, Navajo County  
Planning & Zoning Department